

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>EMPLOYERS MUTUAL CASUALTY</b>	)	
<b>COMPANY, an insurance company</b>	)	
<b>incorporated in the State of Iowa,;</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO. 04-0816-CG-M</b>
	)	
<b>HOGG ENGINEERING CORPORATION;</b>	)	
<b>DONALD RAY HOGG, JR; MEXIA</b>	)	
<b>WATER SYSTEM, INC.,</b>	)	
	)	
<b>Defendants.</b>		

**FINAL JUDGMENT**

This matter is before the court on plaintiff's motion for summary judgment and brief in support. (Docs. 23 & 24). Any party opposing the motion was ordered to file a response in opposition on or before June 20, 2005. (Doc. 26). On June 28, 2005, after receiving no opposition, the court entered an order viewing the defendants' non-response as an oversight, and granting defendants an extension until July 5, 2005, to file their opposition. (Doc. 27). The court further stated that "[i]f no opposition is filed, the plaintiff's motion for summary judgment is deemed granted without further order from the court and final judgment will be entered accordingly." (Doc. 27). To date, no response has been filed. Accordingly, the court finds that final judgment is due to be entered in favor of plaintiff.

It is hereby **ORDERED, ADJUDGED, and DECREED** that final judgment in this case is hereby entered against defendants, Hogg Engineering Corporation, Donald Ray Hogg, Jr. and Mexia Water Systems, Inc., and in favor of plaintiff, Employers Mutual Casualty Company . The court

**DECLARES** the following:

1. All of the allegations in the underlying action against Hogg Engineering and/or Donald Ray Hogg, Jr. arise out of the rendering of or failure to render professional services.
2. EMCC does not have a duty to defend and/or indemnify Donald Ray Hogg, Jr. and/or Hogg Engineering, Corp. for the claims asserted against them in the underlying action pending in the Circuit Court of Monroe County, Alabama identified as Mexia Water System, Inc. v. Hogg Engineering Corporation, Donald Ray Hogg, Jr. et. al., docket number CV 04-88.
3. EMCC is not required to satisfy any judgment entered against Donald Ray Hogg, Jr. and/or Hogg Engineering, Corp. in said underlying action.

**DONE and ORDERED** this 23<sup>rd</sup> day of August, 2005.

/s/ Callie V. S. Granade  
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CHIEF UNITED STATES DISTRICT JUDGE